

0220

O I P E J C I  
NOV 04 2002  
PATENT & TRADEMARK OFFICE


PTO/SB/21 (08-00)


Please type a plus sign (+) inside this box → ☐

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

|   |                             |                               |                 |
|---|-----------------------------|-------------------------------|-----------------|
| <b>TRANSMITTAL FORM</b><br><br>(to be used for all correspondence after initial filing) | <b>Application Number</b>   | 09/886,349                    |                 |
|   | <b>Filing Date</b>          | June 20, 2001                 |                 |
|   | <b>First Named Inventor</b> | Skeiky, Yasir                 |                 |
|   | <b>Group Art Unit</b>       | Unassigned                    |                 |
|   | <b>Examiner Name</b>        | Unassigned                    |                 |
| <b>Total Number of Pages in This Submission</b>   | 4                           | <b>Attorney Docket Number</b> | 014058-009070US |

| ENCLOSURES (check all that apply)   |   |  |
|---|---|--|
| <input type="checkbox"/> Fee Transmittal Form<br><br><input type="checkbox"/> Fee Attached<br><br><input type="checkbox"/> Amendment / Reply<br><br><input type="checkbox"/> After Final<br><br><input type="checkbox"/> Affidavits/declaration(s)<br><br><input type="checkbox"/> Extension of Time Request<br><br><input type="checkbox"/> Express Abandonment Request<br><br><input checked="" type="checkbox"/> Information Disclosure Statement<br><br><input type="checkbox"/> Certified Copy of Priority Document(s)<br><br><input type="checkbox"/> Response to Missing Parts/ Incomplete Application<br><br><input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Assignment Papers (for an Application)<br><br><input type="checkbox"/> Drawing(s)<br><br><input type="checkbox"/> Licensing-related Papers<br><br><input type="checkbox"/> Petition<br><br><input type="checkbox"/> Petition to Convert to a Provisional Application<br><br><input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address<br><br><input type="checkbox"/> Terminal Disclaimer<br><br><input type="checkbox"/> Request for Refund<br><br><input type="checkbox"/> CD, Number of CD(s) | <input type="checkbox"/> After Allowance Communication to Group<br><br><input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences<br><br><input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)<br><br><input type="checkbox"/> Proprietary Information<br><br><input type="checkbox"/> Status Letter<br><br><input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):<br><br>Return Postcard |
| <b>Remarks</b>  |   | The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.   |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT |   |  |
|--|---|--|
| <b>Firm and Individual name</b>            | Townsend and Townsend and Crew LLP<br>Annette S. Parent<br>Reg. No. 42,058          |  |
| <b>Signature</b>                           |  |  |
| <b>Date</b>                                | Oct. 30, 2002   |  |

| CERTIFICATE OF MAILING  |   |  |
|---|---|--|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231 on this date: <span style="border: 1px solid black; padding: 2px;">10/31/02</span> |   |  |
| <b>Typed or printed name</b>  | Landon Clark  |  |
| <b>Signature</b>  |  | <b>Date</b> <span style="border: 1px solid black; padding: 2px;">10/31/02</span> |

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.  
SF 1388384 v1



I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Assistant Commissioner for Patents  
Washington, D.C. 20231

PATENT  
Attorney Docket No.: 014058-009070US  
Client Reference No.: 467-C5 and CX-00-0382

On 10/31/02

TOWNSEND and TOWNSEND and CREW, LLP

By: London Clark

#  
5

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Yasir Skeiky et al.

Application No.: 09/886,349

Filed: June 20, 2001

For: FUSION PROTEINS OF  
MYCOBACTERIUM TUBERCULOSIS

Examiner: Unassigned

Art Unit: Unassigned

INFORMATION DISCLOSURE  
STATEMENT UNDER 37 CFR §1.97 and  
§1.98

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

The references cited on attached form PTO/SB/08A and PTO/SB/08B are being called to the attention of the Examiner. Copies of the references are enclosed. It is respectfully requested that the cited references be expressly considered during the prosecution of this application, be made of record therein and appear among the "references cited" on any patent to issue therefrom.

As provided for by 37 CFR 1.97(g) and (h), no inference should be made that the information and references cited are prior art merely because they are in this statement and no representation is being made that a search has been conducted or that this statement encompasses all the possible relevant information.

Applicant believes that no fee is required for submission of this statement.

However, if a fee is required, the Commissioner is authorized to deduct such fee from the undersigned's Deposit Account No. 20-1430. Please deduct any additional fees from, or credit any overpayment to, the above-noted Deposit Account.

Respectfully submitted,



Annette S. Parent  
Reg. No. 42,058

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: 415-576-0200  
Fax: 415-576-0300  
ASP/lc  
SF 1388382 v1



PTO/SB/08B (10-01)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number



Substitute for form 1449B/PTO

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet **1** of **1****Complete if Known**

|                        |                        |
|------------------------|------------------------|
| Application Number     | 09/886,349             |
| Filing Date            | June 20, 2001          |
| First Named Inventor   | Skeiky, Yasir, et. al. |
| Art Unit               | Unassigned             |
| Examiner Name          | Unassigned             |
| Attorney Docket Number | 014058-009070US        |

**U.S. PATENT DOCUMENTS**

| Examiner | Cite No. <sup>1</sup> | Document Number<br>Number Kind Code <sup>2</sup> (if known) | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited Document | Pages, Columns, Lines, Where<br>Relevant Passages or Relevant<br>Figures Appear |
|----------|-----------------------|---|--------------------------------|--|---|
|          | AA                    | US- 5,955,077   | 9/21/1999                      | Andersen, et al.                                   |   |
|          |                       | US-   |                                |  |   |
|          |                       | US-   |                                |  |   |
|          |                       | US-   |                                |  |   |

**FOREIGN PATENT DOCUMENTS**

| Examiner<br>Initials* | Cite<br>No. <sup>1</sup> | Foreign Patent Document   |                     |                                   | Publication Date<br>MM-DD-YYYY | Name of Patentee or<br>Applicant of Cited<br>Document | Pages, Columns, Lines,<br>Where Relevant<br>Passages or Relevant<br>Figures Appear | T <sup>2</sup>           |
|-----------------------|--------------------------|---------------------------|---------------------|-----------------------------------|--------------------------------|---|--|--------------------------|
|                       | AB                       | Country Code <sup>3</sup> | Number <sup>4</sup> | Kind Code <sup>5</sup> (if known) | 10/14/1999                     |   |  | <input type="checkbox"/> |
|                       |                          | WO                        | 99/51748            | A2 & A3                           |                                |   |  | <input type="checkbox"/> |
|                       |                          |                           |                     |                                   |                                |   |  | <input type="checkbox"/> |

**OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS**

| Examiner<br>Initials * | Cite<br>No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the<br>item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue<br>number(s), publisher, city and/or country where published.   | T <sup>2</sup> |
|------------------------|--------------------------|---|----------------|
|                        | AC                       | Cole, et al. "Deciphering the biology of Mycobacterium tuberculosis from the complete genome sequence"; Nature, Vol. 393, pp. 537-544 (June 1998)   |                |
|                        | AD                       | Content, et al., "The Genes Coding for the Antigen 85 Complexes of Mycobacterium tuberculosis and Mycobacterium bovis BCG Are Members of a Gene Family: Cloning, Sequence Determination, and Genomic Organization of the Gene Coding for Antigen 85-C of M. tuberculosis"; Infection and Immunity, Vol. 59, No. 9, pp. 3205-3212 (Sept. 1991) |                |
|                        | AE                       | Verbon, et al., "The 14,000-Molecular-Weight Antigen of Mycobacterium tuberculosis Is Related to the Alpha-Crystallin Family of Low-Molecular-Weight Heat Shock Proteins"; Journal of Bacteriology, Vol. 174, No. 4, pp. 1352-1359 (Feb. 1992)  |                |
|                        |                          |   |                |
|                        |                          |   |                |

|                       |  |                    |  |
|-----------------------|--|--------------------|--|
| Examiner<br>Signature |  | Date<br>Considered |  |
|-----------------------|--|--------------------|--|

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Applicant's unique citation designation number (optional). <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

SF 1388382 v1